

FILED

MAR 18 2011

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendants Megan Rose, as Mother and Natural Guardian for minor Joshua Rose,
Megan Rose, as Mother and Natural Guardian for minor Matthew Rose, and Megan Rose,
Individually

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

Plaintiff,

vs.

MEGAN ROSE, as Mother and Natural
Guardian for minor JOSHUA ROSE, MEGAN
ROSE, as Mother and Natural Guardian for
minor MATTHEW ROSE, and MEGAN
ROSE, Individually,

Defendants.

CASE NO. C-10-04808 JCS

**PETITION AND ORDER FOR
APPOINTMENT OF GUARDIAN AD
LITEM**

Defendant MEGAN ROSE, as Mother and Natural Guardian for Matthew Rose, hereby
petitions the court for an appointment as Guardian Ad Litem to Matthew Rose, a minor in the
above-referenced action and provides the following in support:

1. Megan Rose is the mother and natural guardian of Matthew Rose, a minor whose birthday
is November 16, 1996.
2. Upon information and belief, on or about February 20, 2008, John A. Rose designated
Matthew Rose as a primary beneficiary to a life insurance policy issued by Prudential
Insurance Company of America.

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3. Upon information and belief, on February 20, 2008, John A. Rose also executed a Beneficiary Designation/Change Form designating Joshua Rose as primary beneficiary of the policy.
4. On or about June 7, 2010, Megan Rose was granted guardianship over the estates of minor Matthew Rose and then minor, Joshua Rose.
5. Unable to make a legal or factual determination as to which individual (Matthew or Joshua) was entitled to the death benefit under the policy, Prudential Insurance Company of America ("Prudential") filed an interpleader action on or about October 25, 2010.
6. As part of its action, Prudential requested the court appoint Guardian Ad Litem over each minor so they may litigate their respective rights to the death benefit.
7. On February 19, 2011, Joshua Rose turned 18 and is no longer a minor.
8. There is no dispute between Joshua Rose and Matthew Rose as to how the proceeds of the death benefit should be distributed. Joshua Rose agrees to share equally in the benefit with Matthew Rose.
9. Petitioner, Megan Rose currently resides with both Matthew and Joshua Rose at 3303 La Snelva Apt. 3, San Mateo, CA. Matthew Rose suffers from Autism. Ms. Rose is the person most knowledgeable regarding his condition and the person most qualified to represent his interests.
10. Petitioner is a competent and responsible person and consents to act as Guardian Ad Litem on behalf of her minor son Matthew Rose for the purpose of representing his interests in the distribution of the proceeds of the life insurance policy previously deposited with the court by Prudential .

WHEREFORE, Petitioner moves the court for an order appointing her as Guardian Ad Litem for the purpose stated above.

1 DATED: March 18, 2011

LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

3 By:

Jennifer A. Riso, Esq.

Attorneys for Defendants/Petitioner Megan
Rose, as Mother and Natural Guardian for
minor Joshua Rose, Megan Rose, as Mother
and Natural Guardian for minor Matthew
Rose, and Megan Rose, Individually

8 **CONSENT OF NOMINEE**

9 I, MEGAN ROSE, as Mother and Natural Guardian of Matthew Rose, consent to act as
10 Guardian Ad Litem for the Matthew Rose in the above-referenced action.

12 Dated: March 18, 2011

Megan Rose
Megan Rose

15 **ORDER**

16 The Petition for an Order Appointing Megan Rose as Guardian Ad Litem for MATTHEW
17 ROSE, a minor child, is GRANTED.

18 **IT IS SO ORDERED:**

20 Dated: March 18, 2011

United States Magistrate Judge

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